



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 04P536WO-RYO	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/JP2004/005169	International filing date (day/month/year) 09.04.2004	Priority date (day/month/year) 16.04.2003
International Patent Classification (IPC) or national classification and IPC		
Applicant ASICS CORPORATION		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.	
2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.	
3. This report is also accompanied by ANNEXES, comprising:	
a. <input type="checkbox"/> (sent to the applicant and to the International Bureau) a total of _____ sheets, as follows:	
<input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).	
<input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.	
b. <input type="checkbox"/> (sent to the International Bureau only) a total of (indicate type and number of electronic carrier(s)) _____, containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).	
4. This report contains indications relating to the following items:	
<input checked="" type="checkbox"/> Box No. I	Basis of the report
<input type="checkbox"/> Box No. II	Priority
<input type="checkbox"/> Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/> Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/> Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/> Box No. VI	Certain documents cited
<input type="checkbox"/> Box No. VII	Certain defects in the international application
<input type="checkbox"/> Box No. VIII	Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/JP	Authorized officer
Facsimile No.	Telephone No.

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International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following _____, which is the language of a translation furnished for the purposes of:

- ☐ international search (Rule 12.3 and 23.1(b))
☐ publication of the international application (Rule 12.4)
☐ international preliminary examination (Rule 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☒ the international application as originally filed/furnished

☐ the description:

pages _____ as originally filed/furnished

pages* _____ received by this Authority on _____

pages* _____ received by this Authority on _____

☐ the claims:

nos. _____ as originally filed/furnished

nos.* _____ as amended (together with any statement) under Article 19

nos.* _____ received by this Authority on _____

nos.* _____ received by this Authority on _____

☐ the drawings:

sheets _____ as originally filed/furnished

sheets* _____ received by this Authority on _____

sheets* _____ received by this Authority on _____

☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages _____

☐ the claims, nos. _____

☐ the drawings, sheets/figs _____

☐ the sequence listing (*specify*): _____

☐ any table(s) related to sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-12	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-12	NO
Industrial applicability (IA)	Claims	1-12	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

Document 1: JP 2000-90272 A (Hitachi Zosen Corp.; Hitachi Zosen Joho System Kabushiki Kaisha), 31 March 2000

Document 2: JP 5-506369 A (Foot Image Technology, Inc.), 22 September 1993

Document 3: JP 2003-52416 A (Sanyo Electric Co., Ltd.), 25 February 2003

Document 4: JP 2002-177015 A (Hisayo ISHIMARU), 25 June 2002

Document 5: JP 61-99801 A (Takeshi OTSUKA), 17 May 1986

Document 6: JP 2002-199905 A (Kabushiki Kaisha Hyumekku), 16 July 2002

Document 7: JP 8-66205 A (Yugen Kaisha Hoyo Kenkyusho), 12 March 1996

Document 8: Microfilm of the specification and drawings annexed to the request of Japanese Utility Model Application No. 162656/1982 (Laid-open No. 66405/1984) (Kazuya ENDO; Hiroko ITO), 04 May 1984

The inventions set forth in claims 1 and 8 do not involve an inventive step in the light of documents 1 to 4 cited in the international search report. Documents 1

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
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and 2 disclose the feature of selecting an appropriate shoe shape from among a plurality of types of shoe shapes, which are prepared in advance, based on a plurality of sets of data that pertain to a client, and also disclose the feature of using the measured dimensions of the client's foot in order to constitute the abovementioned plurality of sets of data. Meanwhile, document 3 discloses the feature of including sets of data that pertain to the length and the circumference of the client's foot in order to design a shoe model, and document 4 discloses the feature of including relational data that pertains to the length of the first toe of a foot and the length of the second toe of the foot (i. e. data that pertains to whether the foot is a so-called Egyptian-type foot or a so-called Greek-type foot) in order to design a shoe model.

The invention set forth in claim 2 does not involve an inventive step in the light of documents 1 to 5 cited in the international search report. Document 5 (page 2, lower left column, lines 1 to 5) discloses the feature of configuring so as to increase the shoe length size in order to accommodate the forms of the tips of the toes.

The invention set forth in claims 3 to 5 does not involve an inventive step in the light of documents 1 to 5 cited in the international search report. Document 3 further discloses the feature of including data that pertains to the height of the first toe in order to design a shoe model.

The invention set forth in claims 6 and 7 does not involve an inventive step in the light of documents 1 to 6 cited in the international search report. Document 2 and document 6 disclose the feature of including data

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that pertains to the client's preferences with regards to the fit and the feel of a shoe in order to design a shoe model.

The invention set forth in claim 9 does not involve an inventive step in the light of documents 1 to 4 cited in the international search report. Document 3 discloses the feature of including data that pertains to the lateral angle of the first toe in order to design a shoe model.

The invention set forth in claims 10 to 12 does not involve an inventive step in the light of documents 1 to 4, 7 and 8 cited in the international search report. Document 7 discloses shoes with a form wherein the front end has an oblique shape, and document 8 discloses the feature of configuring the form of the front end of a shoe by combining the forms of the toe tip portions of a foot.